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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205896
Party	Defendant Wild Brain Entertainment, Inc.
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Date	05/28/2014
Attachments	2793812_3.pdf(106457 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BEAU L. TARDY,

Opposer,

v.

WILD BRAIN ENTERTAINMENT, INC.,

Applicant.

Opposition No.: 91/205,896

Mark: DIZZY

Serial No. 85/509,929

ANSWER TO THE FOURTH AMENDED NOTICE OF OPPOSITION

Applicant, Wild Brain Entertainment, Inc., by and through its undersigned counsel, hereby answers the Fourth Amended Notice of Opposition in the above-captioned proceeding. The numbered paragraphs below correspond to the numbered paragraphs in the Fourth Amended Notice of Opposition. Applicant's responses are based on actual knowledge as to its own actions, and information and belief with respect to all other matters. Unless expressly admitted, all allegations in the Fourth Amended Notice of Opposition are hereby denied.

INTRODUCTORY PARAGRAPHS

Applicant denies the allegations set forth in the second paragraph of the introductory portion of the Notice of Opposition.

NUMBERED PARAGRAPHS

1. Applicant admits the allegations as they relate to Applicant's activities. Applicant is without knowledge or information as to Opposer's activities sufficient to form a

belief as to the truth of the allegations set forth in this paragraph. The remaining allegations of this paragraph set forth legal conclusions as to which no response is required.

2. Applicant refers to United States Trademark Application No. 85/741,800 for a description of the goods and services recited therein. Applicant lacks knowledge as to Opposer's subjective belief as to the likelihood that the application will be refused. The remaining allegations of this paragraph set forth legal conclusions as to which no response is required.
3. Admitted.
4. Denied.
5. Denied.
 - a. Denied.
 - b. Applicant refers to pending U.S. Application No. 85509929 for a listing of the goods or services covered by the application.
 - c. Applicant admits only that on Sept. 2, 2013, the Office deemed U.S. Application No. 85509933 to have been abandoned because no Statement of Use or Request for an Extension of Time to File a Statement of Use was received by the Office following the issuance of the Notice of Allowance.
 - d. Applicant admits only that on Sept. 2, 2013, the Office deemed U.S. Application No. 85509926 to have been abandoned because no Statement of Use or Request for an Extension of Time to File a

Statement of Use was received by the Office following the issuance of the Notice of Allowance.

- e. Denied.
 - f. Application refers to U.S. Application No. 85179735 for a listing of the goods or services covered by the application.
 - g. Applicant admits that it owns U.S. Reg. No. 4358390.
 - h. Applicant refers to U.S. Reg. No. 4358390 for a listing of the goods or serviced by covered by the registration.
 - i. Denied.
 - j. Denied.
 - k. Denied.
- 6. Denied.
 - 7. Denied.
 - 8. Admitted.
 - 9. Opposer's statements in this paragraph are vague and argumentative. Applicant thus cannot provide a response to the allegations in this paragraph as asserted. To the extent they are understood, they are denied.
 - 10. Opposer's statements in this paragraph are vague and argumentative. Applicant thus cannot provide a response to the allegations in this paragraph as asserted. To the extent they are understood, they are denied.
 - 11. Opposer's statements in this paragraph are vague and argumentative. Applicant thus cannot provide a response to the allegations in this paragraph as asserted. To the extent they are understood, they are denied.

12. Opposer's statements in this paragraph are vague and argumentative. Applicant thus cannot provide a response to the allegations in this paragraph as asserted. To the extent they are understood, they are denied.

Dated: May 28, 2014

Respectfully submitted,

KENYON & KENYON LLP

*Counsel for Applicant,
Wild Brain Entertainment, Inc.*



Jonathan D. Reichman
Natasha Sardesai-Grant
KENYON & KENYON LLP

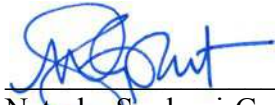
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Wild Brain Entertainment, Inc.'s *Answer to the Fourth Amended Notice of Opposition* was served by electronic mail, as agreed upon by the parties, on Opposer's counsel of record on the 28th day of May, 2014, at the following address of record:

Wendy Peterson
Not Just Patents LLC
P.O. Box 18716
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wsp@njpls.com



Natasha Sardesai-Grant